

Appl. No. : **09/942,983**
Filed : **August 30, 2001**

REMARKS

Claim 157 is pending. Claims 1-156 have been canceled without prejudice or disclaimer. The Applicants traverse all rejections as follows.

Obviousness-Type Double Patenting

The Examiner rejected Claim 157 on the ground of obviousness-type double patenting over Claim 7 of U.S. Patent No. 6,185,543 to Galperin *et al.* While the Applicants do not necessarily agree with the rejection, the Applicants state that it is their intention to overcome the obviousness-type double patenting rejection (such as by filing a terminal disclaimer) once the Examiner has deemed one or more claims to be otherwise allowable over the prior art of record.

Anticipation Rejection

The Examiner rejected Claim 157 under 35 U.S.C. § 102(e) as allegedly anticipated by the Galperin patent. The Applicants traverse the rejection on the ground that the correct inventorship of the present application is identical to the inventorship of the Galperin patent. Accordingly, the Galperin patent is not prior art under 35 U.S.C. § 102(e).

The Applicants note that they filed a Petition to Correct Inventorship under 37 C.F.R. § 1.48(a) so that the present application will reflect the correct inventorship. The Petition was originally filed September 19, 2007 and was dismissed on October 26, 2007. A Request for Reconsideration was then filed on April 30, 2008 and dismissed on June 24, 2008. The Applicants again filed a Request for Reconsideration on July 9, 2008. Applicants believe that the July 9, 2008 submission addresses all deficiencies in the previous submissions and that the Petition is likely to be granted.

As the papers submitted with the Petition include a large number of pages, the Applicants do not attach them herewith. However, it is the Applicants' understanding that the Examiner has electronic access to the Petition, the Office's decisions, and the subsequent Requests for Reconsideration. The Examiner is invited to call the Applicants' attorney at his direct line of (949) 721-2897 if the Examiner wants the Applicants to submit any of the Petition papers directly to the Examiner.

Appl. No. : **09/942,983**
Filed : **August 30, 2001**

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 13, 2008

By: /Ted M. Cannon/
Ted M. Cannon
Registration No. 55,036
Attorney of Record
Customer No. 20,995
(949) 760-0404

AMEND
5785349